

United States Court of Appeals  
FOR THE EIGHTH CIRCUIT

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No. 96-4269EM

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United States of America,

Appellee,

v.

Cortez Harris,

Appellant.

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Appeal from the United States  
District Court for the Eastern  
District of Missouri.

[UNPUBLISHED]

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Submitted: May 29, 1997

Filed: June 6, 1997

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Before McMILLIAN, FAGG, and LOKEN, Circuit Judges.

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PER CURIAM.

After Cortez Harris was sentenced on related weapons and drug convictions, Harris challenged his 18 U.S.C. § 924(c)(1) gun conviction in light of the Supreme Court's decision in Bailey v. United States, 116 S. Ct. 501 (1995), and the district court vacated the erroneous conviction. The district court resentenced Harris on the unchallenged drug convictions and used the firearm possession enhancement. See U.S. Sentencing Guidelines Manual § 2D1.1(b)(1) (1996). On appeal, Harris contends the district court lacked authority to resentence him on the drug convictions. Harris's contention is foreclosed by our recent decision in United States v. Harrison, No. 96-2544, 1997 WL 232266, at \*2 (8th Cir. May 9, 1997). We also reject Harris's

contention that the district court improperly applied the § 2D1.1(b)(1) enhancement. Contrary to Harris's view, there is abundant evidence that Harris possessed loaded and readily accessible firearms to protect the drug trafficking in cocaine and cocaine base found at his residence. See United States v. Williams, 10 F.3d 590, 595-96 (8th Cir. 1993). We thus affirm Harris's revised sentence.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.